

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Thomas W. Nickerson  
Serial No.: 09/871,444  
Title: SYSTEM AND METHOD FOR DISPLAYING DYNAMIC PAGE CONTENT  
IN A PAGE-CACHING BROWSER  
Filing Date: May 31, 2001  
Examiner: Joseph E. Avellino  
Art Unit: 2143  
Conf. No.: 8887  
Docket No: OID06-37(02401)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANTS' REPLY BRIEF**

Sir:

The following comments and arguments respond to issues raised by the Examiner in the Examiner's Answer mailed from the United States Patent and Trademark Office on July 17, 2008. In this regard, reference to page and line numbers below to the page and lines of the Examiner's answer.

## **REPLY TO EXAMINER'S ANSWER – GROUNDS OF REJECTION**

### **1. Section 1, Page 4, lines 5 -10**

Referring to claim 13, the Examiner asserts

**“Lam does not disclose that the system will insert a unique identifier into the address.** In analogous art, Lambert discloses another computer product for caching web pages which receives **at a client** input related to a request for content of a web page the request including an address for the web page (§ 228-231); inserting a unique identifier **at the client** into the address and transmitting the request to a server (§ 228-231).” (Emphasis Added)

Appellants submit that the Examiner has mischaracterized the teaching of Lambert by suggesting that Lambert teaches caching at a client. On the contrary, Lambert teaches “cache busting” on an IXC engine which is separated from the client (See Lambert Figure 1) and is assumed by Lambert to be “operating on a Web Server.” (Lambert paragraph [0154]).

The follow paragraphs from Lambert clearly indicate that the IXC engine is not included in a client browser, and these paragraphs including the paragraph cited by the examiner do not teach caching or inserting a unique identifier at the client.

Paragraph [0023] Preferred embodiments of the system of the invention will now be described with reference to the accompanying drawings. The system is described below in terms of both overall methodology and a physical implementation in an actual working software application, termed the “Information Exposition and Control Engine”, or more briefly “the IXC Engine”. **The system is intended to be integrated with technology that delivers Web pages and is invoked during the initial stages of the Web page delivery process.**

[0048] IXC Engine 10 interacts (via a browser not depicted) with a customer or prospect 22 when they click on a **link 24 that has been created through the IXC Engine 10** and then distributed across the Internet via Banners 26, Affiliate Links 28, search engine results 18 or E-mails 30. Whenever a customer or prospect 22 clicks on one of these links 24, they are redirected to the appropriate page on an actual web site 20.

[0154] IXC Engine 10 leverages the HTML standards for Server Response Codes. To explain this process, assume that the IXC Engine 10 controls (it may or may not generate a Web page depending on its use) the URL: <http://www2.example.com/offer.htm> and redirects human users who request this page to: <http://www.example.com/bargain.htm>. To perform a redirection, IXC Engine 10 performs the following actions **(it is assumed**

**that IXC Engine 10 is operating on a Web server** that handles the subdomain www2.example.com). (Emphasis Added)

Appellants respectfully submit that the specific paragraph cited by the Examiner:

[0229] To speed up downloads **many Internet Service Providers (ISPs) and businesses use caching.** (Emphasis Added)

do not teach caching at the client in a web browser.

It is clear from paragraphs 23, 48, 154 and 229, that the caching described by Lambert does not occur at the client.

## 2. Section 2, Page 5 lines 1 –8

The Examiner asserts:

By this rationale, "Official Notice" is taken that both the concepts and advantages of providing for determining whether the request is a 'back' request or a current page refresh is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the teaching of Lam-Lambert to include determining whether the request is a back request or a refresh request in order to aid in the determination of whether to service the page locally, **since if the request is a back request, the page would have already been seen by the cache and would normally not be stale yet, thereby reducing unnecessary requests to the server.** (Emphasis Added)

Appellants respectfully submit that the Examiner is taking Official Notice of conventional browser operation. Such conventional caching operation would not provide for a system and method for displaying dynamic page content in a page-caching browser. In contrast, Appellants' invention advantageously correctly displays dynamic page content by defeating conventional caching operation at the client.

## 2. Section 5, Page 5 lines 12 –15

The Examiner asserts that:

a hyperlink is inherently a query string since once the user clicks upon the hyperlink, it requests the page from the server.

Appellants respectfully submit that as described in the Background section of Appellants Specification, a query string includes user-specified parameters which may be appended to [a] URL and as such a hyperlink is not inherently a query string.

### **CONCLUSION**

For the foregoing reasons, and the reasons advanced during prosecution to date, applicant again respectfully submits the Examiner's rejection of record is erroneous and must be reversed.

If any enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts. Applicant hereby petitions for any extension of time, which is required to maintain the pendency of this case. If necessary, please apply any additional fees or credit overpayments to Deposit Account 50-3735.

Respectfully submitted,

Date: August 26, 2008

/Barry Gaiman/

Barry Gaiman, Esq.  
Attorney for Applicant(s)  
Registration No.: 42,562  
Chapin Intellectual Property Law, LLC  
Westborough Office Park  
1700 West Park Drive, Suite 280  
Westborough, Massachusetts 01581  
Telephone: (508) 616-9660  
Facsimile: (508) 616-9661